

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 295

Introduced by Senator Chesbro

February 16, 2005

An act to amend Sections 6047.13, 6047.29, and 6047.68 of, and to amend and renumber Section 6047.35 of, the Food and Agricultural Code, relating to agriculture, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 295, as amended, Chesbro. Pierce's Disease Control Program.

Existing law provides that there is within the Department of Food and Agriculture the Pierce's Disease Control Program. Existing law also creates the Pierce's Disease Management Account to be used for the costs that are incurred by the state or by local entities for research and other efforts to combat Pierce's disease and its vectors.

Existing law provides that there is in the Department of Food and Agriculture the Pierce's Disease and Glassy-winged Sharpshooter Board which may collect, enforce, deposit, and handle annual assessments upon grape producers. Existing law provides that all proprietary information obtained by the board is confidential and shall not be disclosed except when required by a court order. Existing law provides that a court may issue a temporary order restraining parties to a judicial proceeding involving these provisions from disseminating proprietary information which shall terminate upon the conclusion of the action.

This bill would provide that a court may issue more than one order and would remove provisions specifying that such an order would terminate upon conclusion of the action.

Existing law, operative until March 1, 2011, provides that the secretary shall appoint an advisory task force to advise him or her on the control and management of Pierce's disease.

This bill would provide that this provision would remain in effect notwithstanding the repeal of other provisions of law. This bill would make other conforming changes.

Existing law provides for the organization of districts to respond to, and distribute information about, the spread of the glassy-winged sharpshooter and Pierce's disease, by filing a petition with the county board of supervisors to form a district. Further, a fee may be charged to reimburse the county for expenses to organize the district and the subsequent election.

This bill would delete the reference to reimbursement for costs of an election.

This bill would state that it is to take effect immediately as an urgency measure.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6047.13 of the Food and Agricultural
- 2 Code is amended to read:
- 3 6047.13. (a) All proprietary information obtained by the
- 4 board or the department from producers, processors, or any other
- 5 source, including, but not limited to, the name, addresses, and
- 6 assessments collected from individual producers and processors
- 7 in the possession of the board or the department, including
- 8 processors' lists of their producers and the assessment of
- 9 individual producers, is confidential and shall not be disclosed,
- 10 except when required by a court order issued upon a showing of
- 11 good cause and that the information is necessary to a judicial
- 12 proceeding involving this article.
- 13 (b) Disclosure, as permitted under this section, shall be
- 14 conducted in camera by the court.
- 15 (c) The court shall, in the court's discretion, issue orders
- 16 restraining a party or parties to a judicial proceeding involving
- 17 this article from disseminating any proprietary information to the
- 18 public or any other person not a party to that judicial proceeding.

1 SEC. 2. Section 6047.29 of the Food and Agricultural Code is
2 amended to read:

3 6047.29. (a) The secretary shall appoint an advisory task
4 force consisting of scientific experts, including, but not limited
5 to, university researchers and agricultural representatives, for the
6 purpose of advising the secretary on the control and management
7 of Pierce's disease.

8 (b) Members of the advisory task force, or alternate members
9 when acting as members, may be reimbursed, upon request, for
10 necessary expenses incurred by them in the performance of their
11 duties.

12 (c) Notwithstanding Sections 6047.20 and 6047.27, this
13 section shall remain in effect until March 1, 2011, and as of that
14 date is repealed, unless a later enacted statute, that is enacted
15 before March 1, 2011, deletes or extends that date.

16 SEC. 3. Section 6047.35 of the Food and Agricultural Code is
17 amended and renumbered to read:

18 6047.3.5. Notwithstanding any other provision of law, the
19 secretary, upon the recommendation of the board, may contract
20 with any nonprofit authoritative scientific body with expertise in
21 agricultural issues in order to expedite research relating to the
22 eradication of Pierce's disease.

23 SEC. 4. Section 6047.68 of the Food and Agricultural Code is
24 amended to read:

25 6047.68. (a) The petition shall be accompanied by a fee in an
26 amount established by the board of supervisors as is necessary to
27 reimburse the county for all costs incurred by it in connection
28 with the proposed organization of the district. The board of
29 supervisors may charge the district for actual expenses incurred
30 by the county in connection with the proceedings for the
31 formation of the district.

32 (b) Upon the establishment of the district, the district shall
33 reimburse those who provided the funds specified in subdivision
34 (a) from assessments collected pursuant to this article.

35 *SEC. 5. This act is an urgency statute necessary for the*
36 *immediate preservation of the public peace, health, or safety*
37 *within the meaning of Article IV of the Constitution and shall go*
38 *into immediate effect. The facts constituting the necessity are:*

- 1 *Clarification of provisions relating to the Pierce's Disease*
- 2 *Control Program is necessary before the winegrape grower*
- 3 *referendum, scheduled for this year, takes place.*